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19 Attorneys for Defendant
20 CONSECO LIFE INSURANCE COMPANY

21 UNITED STATES DISTRICT COURT
22 FOR THE NORTHERN DISTRICT OF CALIFORNIA
23 SAN FRANCISCO DIVISION

24 CEDRIC BRADY, DR. CHARLES)
25 HOVDEN, MARION HOVDEN, DR.)
26 EUGENE KREPS, DR. JOHN McNAMARA,)
27 DR. HISAJI SAKAI, and JEAN SAKAI,)
28 Individually and On Behalf Of All Others)
Similarly Situated,)

Plaintiffs,

v.

CONSECO, INC. and CONSECO LIFE
INSURANCE COMPANY,

Defendants.

CASE NO.: 3:08-CV-05746-SI

**STIPULATION EXTENDING TIME TO
ANSWER OR OTHERWISE RESPOND
TO THE AMENDED COMPLAINT**

1 WHEREAS on December 24, 2008, plaintiffs Cedric Brady, Dr. Charles Hovden,
 2 Marion Hovden, Dr. Eugene Kreps, Dr. John McNamara, Dr. Hisaji Sakai, and Jean Sakai (the
 3 "Plaintiffs") filed a Complaint against defendants Consecro, Inc. and Consecro Life Insurance
 4 Company (the "Defendants,"), in the San Francisco Division of the United States District Court for
 5 the Northern District of California (the "Complaint"). On January 9, 2009, Plaintiffs served a
 6 summons and Complaint on each of the Defendants;

7 WHEREAS on April 23, 2009, Plaintiffs filed with the Court an Amended
 8 Complaint (Docket No. 51);

9 WHEREAS on May 29, 2009, Defendants filed a motion to dismiss the Amended
 10 Complaint (Docket No. 58);

11 WHEREAS on June 20, 2009, Plaintiffs opposed Defendants' motion to dismiss the
 12 Amended Complaint (Docket No. 61);

13 WHEREAS on July 29, 2009, this Court granted in part and denied in part
 14 Defendants' motion to dismiss the Amended Complaint (Docket No. 64), which, in part, dismissed
 15 this action against Consecro, Inc. for lack of personal jurisdiction;

16 WHEREAS Consecro Life Insurance Company ("Consecro Life") has requested and
 17 Plaintiffs have agreed to extend the date by which Consecro Life shall be required to answer or
 18 otherwise respond to the Amended Complaint from August 12, 2009 to and including August 19,
 19 2009 (a one week extension);

20 WHEREAS this additional one week will not impact other events and/or deadlines
 21 in this action;

22 IT IS THEREFORE STIPULATED AND AGREED, by and between the
 23 undersigned, that Consecro Life shall have to and including August 19, 2009, within which to
 24 answer or otherwise respond to the Amended Complaint.



1
2 DATED: August 7, 2009

Millstein & Associates

3 By: /s/ David J. Millstein
4 David J. Millstein
5 Attorneys for Plaintiffs

6 DATED: August 7, 2009

Gilbert Oshinsky LLP

7 By: /s/ August J. Matteis, Jr.
8 August J. Matteis, Jr.
9 Attorneys for Plaintiffs

10 DATED: August 7, 2009

Skadden, Arps, Slate, Meagher & Flom LLP

11 By: /s/ David S. Clancy
12 Raoul D. Kennedy
13 James R. Carroll (Admitted *Pro Hac Vice*)
14 David S. Clancy (Admitted *Pro Hac Vice*)
15 Cale P. Keable (Admitted *Pro Hac Vice*)
16 Attorneys for Defendant
Conseco Life Insurance Company

17 **ATTESTATION PURSUANT TO GENERAL ORDER 45**

18 I, David S. Clancy, am the ECF User whose ID and password are being used to file
19 this Stipulation Extending Time To Answer Or Otherwise Respond To The Amended Complaint.
20 In compliance with General Order 45.X.B, I hereby attest that concurrence in the filing of this
21 document has been obtained from each of the other signatories. I declare under penalty of perjury
22 under the laws of the United States of America that the foregoing is true and correct.

23 Executed this 7th day of August 2009, at New York, New York.

24 By: /s/ David S. Clancy
25 David S. Clancy